

Patent
Attorney Docket: CORA/0002

REMARKS

Claim Rejections

Claims 1-4, 6-8, 10-14, 16, 17, 20, 21, and 24-26 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,014,833 ("Benavidez").

Claims 5, 9, 23, and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benavidez.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Benavidez in view of U.S. Patent No. 5,163,694 ("Reichek").

Claims 18, 19 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benavidez in view of U.S. Patent No. 6,269,587 ("Wallace").

Amendments

Claims 1, 12, 13, 15, 16, 24, and 25 have been amended to clarify and emphasize the patentability of the invention. In claim 1, the elements of claims 6 (at least one gripping indentation) and 8 (at least one gripping aperture) have been added, along with language characterizing the indentation/aperture as being "sized and shaped for hand gripping." Claims 6 and 8 have been canceled.

Claim 12 has been amended to become an independent claim, and the original element of claim 12 (first gear container) has been characterized as being "upright." Claim 13 has been amended so as to depend from claim 12, rather than from claim 1. Claim 15 has been amended for consistency with claim 12.

Claim 16 has been amended to characterize the rudder as having "at least two flat sides."

Claim 24 has been amended to become an independent claim. The original element of claim 24 (second bait container) has been retained.

Claim 25 has been amended to characterize the first bait container as being adapted for holding live bait.

Claim 28 has been added to emphasize one aspect of the present invention.

Patent
Attorney Docket: CORA/0002

Pending Claims are Patentably Distinct

It is respectfully submitted that all pending claim are patentably distinct over the art of record. Reconsideration of the claims and passage of the application to issuance is respectfully requested.

Claim 1 as amended recites "a buoyant board-like support member having at least one gripping aperture or indentation provided therein, the gripping aperture or indentation being sized and shaped for hand gripping." Examples of such sizing/shaping are shown in the embodiments depicted in Figures 1 and 3-4 of the Applicants' specification. The Examiner refers to drink inserts 68 and fishing pole inserts 69 of Benavidez as satisfying this requirement of the claim. This conclusion is respectfully traversed, for the reason that the names given by Benavidez himself defy such characterization, and further that these inserts are clearly not "sized and shaped" for hand gripping (i.e., they are sized and shaped for cylindrical objects). Since Benavidez fails to disclose this requirement of claim 1, the anticipation rejection is unsupported.

Each of claims 2-11 and 16-23 depend from claim 1, and are therefore submitted to be patentably distinct by their incorporation of the distinctive elements of claim 1. Accordingly, the rejection of these claims is respectfully traversed.

Claim 5 is submitted to be further distinct in that the recited "fluorescent outer surface" provides enhanced visibility, and therefore improves upon the life-saving utility of the inventive fishing apparatus (see, e.g., Applicants' Specification at page 3, third para.). This benefit is not taught by the cited art. Thus, the obviousness rejection of claim 5 in view of Benavidez is separately traversed.

Claim 16 is submitted to be further distinct in that the recited "rudder" is characterized as having "at least two flat sides." Thus, contrary to the Examiner's suggestion, the bait bucket 21 of Benavidez fails to disclose a rudder in the sense claimed. The anticipation rejection of claim 16 is therefore respectfully traversed.

Claim 12 as amended recites: "a first *upright* gear container secured to the support member and having a generally tubular shape for supporting elongated fishing gear" (emphasis added). Since the fishing pole inserts 69 of Benavidez, which were said to teach this requirement of the claim, are

Patent
Attorney Docket: CORA/0002

not upright, the art fails to anticipate claim 12, and this rejection is also respectfully traversed.

Claims 13-15 each depend from claim 12, and are submitted to be patentably distinct by their incorporation of the distinctive elements of claim 12. Claims 14-15 further recite a "utility bar" which was said to be taught by the tackle storage compartments 40 of Benavidez. The tackle storage compartments 40 of Benavidez are inset in the body of the device, i.e., they are formed by void(s) in the body. This limits the usefulness of the compartments to the depth of the compartments, and is clearly distinct structure from the recited "utility bar." Accordingly, the rejection of claims 14 (anticipation) and 15 (obviousness) are respectfully traversed.

Claim 24 has been made independent by amendment, but is otherwise unchanged in scope. The Examiner's rejection is respectfully traversed because Benavidez fails to disclose two bait containers, as required by the claim. The Examiner recites tackle storage compartments 40 as satisfying both of the bait containers, presumably because of the multiple compartments therein. It is submitted that a "compartment" is a subset of a "container," and that the former is not equivalent to the latter. Accordingly, this rejection is respectfully traversed.

Claim 25 depends from claim 24, and characterizes the first bait container as being "adapted for holding live bait" and the second container as being "adapted for holding artificial bait." Benavidez fails to teach this combination of live and artificial bait containers. For this reason, the anticipation rejection of claim 25 is respectfully traversed.

Claim 28 has been added to emphasize a particular aspect of the present invention: the combination of a container adapted for holding live fish and a container adapted for holding live bait. Since this combination is not taught by the art of record, claim 28 is submitted to be patentable.

Conclusion

Reconsideration of the pending claims, and passage of the application to issuance is respectfully requested. In the event that issues of patentability remain, the Examiner is invited to contact the undersigned attorney for the Applicants by telephone to discuss the application.

Patent

In the event there are additional charges incurred in connection with the filing of this Response (e.g., claim amendments), the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/CORA/0002 of the firm of the undersigned attorney in the amount of any necessary fee.

Respectfully submitted,



Steven L. Christian
Attorney for Applicant
Registration No. 38,106
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444

Customer No. 24945